

CA



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,657	08/07/2003	Dal Ferro Bortolo Giulio	066309-185	8819
7590 09/27/2005			EXAMINER	
Dykema Gossett PLLC Suite 300 West 1300 I Street, N.W. Washington, DC 20005-3306			RIDLEY, RICHARD	
			ART UNIT	PAPER NUMBER
			3651	
DATE MAILED: 09/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,657

Applicant(s)

BORTOLO GIULIO, DAL FERRO

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 3, 4, 5, 6, 9, 10, 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Dal Ferro WO 02/096782.

Dal Ferro discloses a similar device comprising a(n):

- Fixed casing (13)
- One or more frames (3)
- Doctor blade (5)
- Groove (fig. 6 or 21) made in a blade holder (4), the blade holder having an 'L' shape, and also having a rectangular cross-section (fig. 3), said blade holder having first side fixed to said frame and a second side facing said surface to be scraped
- Fastening means (43)
- Adjusting means (6)
- Elastic means (21)

Art Unit: 3651

3. Claims 1, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Brink USP 6179114.

Brink discloses a similar device comprising a(n):

- Fixed casing (38)
- One or more frames (46)
- Doctor blade (C2/L44)
- Groove (40) made in a blade holder (fig. 3)

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dal Ferro WO 02/096782 in view of Brink USP 6179114.

Dal Ferro discloses all of the claimed limitations, but does not disclose the groove (fig. 21), holding the blade, having a 'U' shaped cross sectional profile.

Brink teaches the use of a groove (40) having a U-shaped cross sectional profile for the purpose of providing for a means to secure and hold a conveyor belt scraper blade (C2/L40+).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a groove having a U-shaped cross sectional profile, as

Art Unit: 3651

taught by Brink, in the device of Dal Ferro for the purpose of providing for a means to secure and hold a conveyor belt scraper blade.

*Response to Arguments*

6. Applicant's arguments filed have been fully considered but they are not persuasive.
7. Regarding Dal Ferro, the applicant argues that "Dal Ferro does not employ a groove formed in the doctor blade".

In response the examiner notes that the features upon which applicant relies (i.e., groove formed in the doctor blade) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 recites instead "...groove made in a blade **holder**..." rather than a groove made in the blade itself, which is argued by the applicant. Dal Ferro, in at least fig. 6 & 21, disclose the holder having a groove made therein.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., those arguments pertaining to Brink '114) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Brink '114 discloses all of the claim limitations and anticipates the claims.

Art Unit: 3651

8. The applicant argues that Isaacs does not disclose the U-shaped groove. The examiner agrees. The rejection was in error and should have instead used Brink '114 teaching the use of a U-shaped groove. See above rejection.

### *Conclusion*

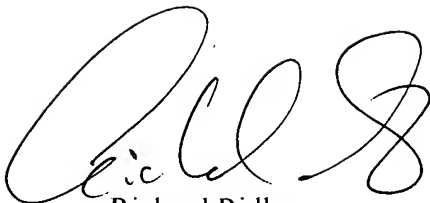
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3651

A handwritten signature in black ink, appearing to read 'Richard Ridley', with a large, stylized flourish at the end.

Richard Ridley  
21 Sept 2005

Richard Ridley  
Primary Examiner  
Art Unit 3651